

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application)

of)

WAI'OLA O MOLOKA'I, INC.)

For review and approval of rate)
increases; revised rate schedules;)
and revised rules.)
_____)

Docket No. 2009-0049

PUBLIC UTILITIES
COMMISSION

2009 NOV 12 P 3:32

FILED

AMENDED PROTECTIVE ORDER
STIPULATION FOR AMENDED PROTECTIVE ORDER
EXHIBIT A
and
CERTIFICATE OF SERVICE

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application)	
)	
of)	
)	Docket No. 2009-0049
WAI'OLA O MOLOKA'I, INC.)	
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For review and approval of rate)	
increases; revised rate schedules;)	
and revised rules.)	
_____)	

STIPULATION FOR AMENDED PROTECTIVE ORDER

WHEREAS, WAI'OLA O MOLOKA'I, INC., a Hawaii corporation ("Applicant"), by and through its attorneys, Morihara Lau & Fong LLP, filed an Amended Application on June 29, 2009, in the above-referenced matter, requesting various approvals from the Hawaii Public Utilities Commission ("Commission") in connection with the proposed increase in Applicant's rates and charges, pursuant to Hawaii Revised Statutes ("HRS") § 269-16 ("Amended Application")¹;

WHEREAS, Applicant maintains that the disclosure of certain confidential information could disadvantage and harm Applicant and/or its related entities in that disclosure of certain information may touch upon, among other things, Applicant's and/or its related entities' respective company, customer and employee privacy

¹ On July 31, 2009, the Commission issued and filed its Order Regarding Completed Amended Application and Other Initial Matters, finding, among other things, that June 29, 2009 is the filing date of the Amended Application by WOM.

concerns and other business and financial matters deemed confidential, privileged and proprietary;

WHEREAS, Applicant anticipates that certain information that may be requested or filed during the course of the proceeding in the subject docket will be considered to be privileged, confidential or proprietary by Applicant and/or its related entities;

WHEREAS, Applicant, the Division of Consumer Advocacy ("Consumer Advocate"), the County of Maui ("County"), Stand for Water ("SFW"), and Molokai Properties Limited ("MPL"), are parties in this proceeding²;

WHEREAS, the parties desire to establish a set of procedures and provisions pertaining to the use and disclosure of information considered to be confidential and any information which any party may in the future contend to be confidential;

WHEREAS, the parties understand that during the course of the evidentiary hearing in this matter, if any, if it becomes necessary to address any information provided pursuant to this amended protective order during the course of the hearing, that portion of the proceeding will be heard in camera; and

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, in accordance with Section 6-61-50 of the Rules of Practice and Procedure before the Public Utilities Commission, that the Commission issues an amended protective order

² The Consumer Advocate is an ex officio party to this proceeding, pursuant to HRS § 269-51 and HAR § 6-61-62(a). See Order Granting Intervention to the County and SFW, in which the Commission, on its own motion, named MPL as a party, filed on October 16, 2009.

covering the confidential information identified in the course of the proceeding in connection with the Amended Application as follows:³

TERMS OF THE AMENDED ORDER

1. This amended protective order governs the classification, acquisition, and use of trade secrets and other confidential information produced by any party in this docket.

2. All parties or participants to all or any portion of this docket, including persons who are granted intervention or participation after the effective date of this amended protective order, shall be subject to this amended protective order and shall be entitled to all confidential information of a party or participant under the provisions of this amended protective order to the extent allowed by the Commission.

APPLICATION OF THE UNIFORM INFORMATION PRACTICES ACT

3. To the extent that any of the documents covered by this amended protective order consist of "government records," as defined in HRS § 92F-3, the provisions of HRS Chapter 92F ("Uniform Information Practices Act" or "UIPA") shall apply to the disclosure of information contained in such documents. In the event any provision of this amended protective order conflicts with any provision of the UIPA, the UIPA shall control.

³ As noted in the letter submitting this amended protective order and pursuant to paragraph 27 of the Protective Order issued by the Commission on April 7, 2009 ("April 7, 2009 Protective Order"), the parties are requesting Commission approval to modify the April 7, 2009 Protective Order to primarily address revisions requested by WOM following the granting of intervention after the April 7, 2009 Protective Order (i.e., the County, SFW, and MPL). As such, to the extent there are any conflicts between the two protective orders, this Amended Protective Order shall control and supersedes the April 7, 2009 Protective Order.

CLASSIFICATION

4. A party to this proceeding may designate as confidential any information it believes, in good faith, contains trade secrets or other confidential research, development, commercial, customer usage, financial, vendor, or bid information, including but not limited to cost support studies. Such information shall be protected against disclosure to a non-qualified person pursuant to the terms of this amended protective order, unless such information is declassified, or permission to disclose the information to such non-qualified person is granted by the party claiming confidentiality, as provided in paragraph 13 below. In addition, a party may designate certain information as being confidential and not to be distributed to another party (not including the Consumer Advocate) by notifying the Commission and the parties in writing setting forth in particularity the information to be kept as confidential and not available to the other party. A party withholding information from another party will describe with particularity the nature of the information withheld, and the basis for withholding the information from the other party. With respect to such confidential information, the party to whom such information is being withheld shall be treated as a non-qualified person from whom such information shall be protected against disclosure in accordance with the terms of this amended protective order.

5. If a party designates information as confidential pursuant to paragraph 4 above or 6 below, it shall produce the confidential information in accordance with the procedures described in paragraphs 11 through 14 below, and concurrently provide certain information in writing to the Commission and the parties. If a party seeks to designate information as confidential, it must: (1) identify, in reasonable detail, the

information's source, character, and location, (2) state clearly the basis for the claim of confidentiality, and (3) describe, with particularity, the cognizable harm to the producing party from any misuse or unpermitted disclosure of the information. If the Commission or any party challenges the claim of confidentiality of the information and/or challenges a party withholding information from another party, the party claiming confidentiality shall bear the burden of proof in supporting its claim of confidentiality, and the Commission will determine whether the information is confidential and whether it should be disclosed under this amended protective order and/or to which parties, as applicable. Any challenge to the confidentiality of any information and/or any challenge to withholding of confidential information from any party shall be made in accordance with paragraph 24 below.

6. Confidential information provided to the Commission or a party, orally or in any other form, shall be protected as fully as confidential information provided in written form. A party shall notify the Commission and the parties when information provided orally or in other than written form includes confidential information. At the time of such notification, the party shall, in the manner provided in paragraph 5 above, specify the subject-matter of such confidential information, the basis for the claim of confidentiality, and the cognizable harm to the producing party from any misuse or unpermitted disclosure of the information.

FORMS OF CONFIDENTIAL INFORMATION

7. All information claimed to be confidential information shall be subject to the terms of this amended protective order, and shall be treated by all qualified persons (as defined by this amended protective order) as constituting confidential information.

Any notes, summaries, abstracts, or analyses that are prepared by counsel, experts, or other qualified persons, and reflect the underlying confidential information, shall also be subject to the terms of this amended protective order.

DESIGNATION

8. Any party claiming that information is confidential shall place upon the applicable material the following legend:

CONFIDENTIAL SUBJECT TO AMENDED PROTECTIVE ORDER

Whenever only a portion of a document, transcript, or other material is deemed to contain confidential information, the party shall, to the extent reasonably practicable, limit the claim of confidentiality to only such portion. However, if such limitation is not reasonably practicable, the entire document, transcript, or other material may be designated as confidential information.

9. With respect to any confidential information that is not under the control of the party claiming the information is confidential, other persons shall, to the extent requested by that party, cooperate to ensure that all copies of such confidential information bear the legend required in paragraph 8 above.

10. Any party may request the Commission to designate as confidential information any document or other information previously produced but not designated as confidential, provided that the party, in the manner provided in paragraph 5 above, specifies the subject-matter of such confidential information, the basis for the claim of confidentiality, and the cognizable harm to the producing party from any misuse or unpermitted disclosure of the information. In addition, the party claiming confidentiality

shall substitute the previously-produced but not designated as confidential material with the identical material under designation as required in Paragraph 8 above.

DISCLOSURE

11. Except as provided in paragraph 13, confidential information shall not be made available or disclosed to any person who is not a "qualified person" as defined in paragraph 12 below.

12. "Qualified person," as used in this amended protective order means any one of the following:

- a. The author(s), addressee(s), or originator(s) of the confidential information;
- b. The Commission, its staff, counsel (including employees directly employed by such counsel), and any consultants retained by the Commission in this proceeding;
- c. The Consumer Advocate, its staff, counsel, (including employees directly employed by such counsel), and any consultants retained by the Consumer Advocate in this proceeding;
- d. Subject to paragraph 4 above, Applicant and/or its related entities, their respective officers, employees, and counsel (including employees directly employed by such counsel) and any consultants retained by Applicant and/or its related entities;
- e. Subject to paragraph 4 above and to the extent allowed by the Commission, counsel of record for any other party or participant to this proceeding, and counsel's staff;

- f. Any other person approved by the party asserting the claim of confidentiality; and
- g. Any other person designated as a qualified person by order of the Commission.

13. When a qualified person wishes to disclose confidential information to a non-qualified person, the qualified person must request permission from the party claiming confidentiality. The request shall identify the non-qualified person to whom disclosure is desired; disclose any past, present, or anticipated affiliation between the qualified person and the non-qualified person; specify the exact information to be disclosed; and state the reasons for disclosure. If permission is granted by the party claiming confidentiality, disclosure of the confidential information shall be made to such non-qualified person in the same manner as provided for qualified persons in paragraph 14 below.

PROCEDURE FOR OBTAINING ACCESS

14. Prior to disclosing confidential information to a qualified person other than the Commission and its staff and counsel, and the Consumer Advocate and its staff and counsel, the qualified person shall read a copy of this amended protective order, complete a copy of the agreement attached as Exhibit A to this amended protective order, and sign the completed copy of the agreement. A copy of the executed agreement shall be delivered to the party claiming confidentiality and the Commission.

USE OF CONFIDENTIAL INFORMATION

15. Any confidential information obtained under this amended protective order shall be used solely in connection with this proceeding and any related administrative

and judicial proceedings (at which time the information will continue to be treated as confidential), and shall not be used for any other purpose, including business, governmental or commercial purposes, or in any other administrative or judicial proceeding, except as provided in paragraphs 16 and 17, and except as may be directed by (a) an order of court, (b) an order of the Commission, and (c) the UIPA, including any ruling of the Office of Information Practices.

16. Any confidential information obtained under this amended protective order may be used by the Commission and its staff and counsel in any proceeding pending before the Commission involving the producing party, or where the intended use of such confidential information is for the purpose of assisting the Commission in fulfilling its statutory duties and responsibilities. The confidential information shall continue to be treated as confidential until the protection conferred by this amended protective order (or any other applicable protective order) is terminated by the producing party, or until further order of the Commission.

17. Any confidential information obtained under this amended protective order may be used by a party, its staff, its consultant and its counsel in any proceeding pending before the Commission involving the producing party, or where the intended use of such confidential information is for the purpose of assisting the party in fulfilling its statutory duties and responsibilities, as applicable. The confidential information shall continue to be treated as confidential until the protection conferred by this amended protective order (or any other applicable protective order) is terminated by the producing party, or until further order of the Commission.

18. Unless otherwise ordered by the Commission, if a party desires to file written testimony, exhibits or pleadings which contain or reflect the confidential information, only that part of the page(s) containing or reflecting such information shall be treated as confidential, and that part of a hearing, if any, at which such information is discussed shall be held in camera, or under other conditions imposed by the Commission to prevent unnecessary public disclosure of such information. A copy of any confidential page, with any such information deleted, shall be filed to be included in the public record, and each such page shall contain the following designation in the upper left-hand corner:

**Confidential Information
Deleted Pursuant To Amended
Protective Order Filed on**

_____.

RETENTION OF CONFIDENTIAL INFORMATION

19. Confidential information shall be retained in a locked cabinet dedicated to the storage of confidential information, or otherwise secured to ensure that access to and disclosure of the confidential information is limited to a qualified person.

20. Confidential information that is given to or filed with the Commission or its staff and counsel shall be separately bound and placed in a sealed envelope or other appropriate sealed container on which shall appear the following legend:

**THIS ENVELOPE IS SEALED PURSUANT TO AMENDED
PROTECTIVE ORDER, FILED ON _____,
AND CONTAINS DOCUMENTS WITH CONFIDENTIAL
INFORMATION. IT IS NOT TO BE OPENED OR THE
CONTENTS OF THIS ENVELOPE DISPLAYED OR
REVEALED EXCEPT TO QUALIFIED PERSONS
AUTHORIZED TO INSPECT THE ENCLOSED
DOCUMENTS.**

21. Confidential information shall not be reproduced or duplicated, except to make working copies and copies to be filed with the Commission under seal. If a document contains information so sensitive that it should not be copied by anyone, it shall bear the following legend: "Copying Prohibited."

22. If a court or other administrative agency requests, subpoenas, or orders production of confidential information that a party or person has obtained under this amended protective order, that party or person, prior to disclosure, shall promptly notify the party claiming confidentiality of the request, subpoena, or order.

DURATION OF CONFIDENTIALITY

23. The confidentiality of the information produced pursuant to this amended protective order shall be preserved until all interested parties, by written stipulation, terminate the protection conferred by this amended protective order, or until further order of the Commission.

APPEAL TO THE COMMISSION

24. If any interested person disagrees with the designation of information as confidential or withholding information from another party, the party claiming confidentiality and/or withholding information, and the person so disagreeing, shall first make a good faith attempt to resolve the dispute on an informal basis. If the dispute cannot be resolved, the person contesting the confidentiality of the information and/or withholding of information shall file a motion to compel disclosure or any other appropriate motion with the Commission. The party claiming confidentiality and/or withholding the information shall bear the burden of proof in supporting its claim, and the Commission will determine whether the information shall continue to be designated

as confidential and/or properly withheld from another party under this amended protective order. Pending a disposition of the motion, the information in question shall be treated as confidential information and shall not be disclosed except as permitted in this amended protective order.

NON-WAIVER OF OBJECTIONS AND RIGHTS

25. The parties retain the right to contest any assertion or finding of confidentiality or of non-confidentiality or of withholding information from other parties. Nothing in this amended protective order shall prevent any party from objecting to requests for production of information or other discovery requests.

26. The parties retain the right to question, challenge, and object to the admissibility of confidential information on the grounds of relevancy or materiality.

MODIFICATION OF THE PROTECTIVE ORDER

27. The Commission may modify this amended protective order on the motion of any party, which may be a non-hearing motion, or on its own motion, upon reasonable notice to the parties, or the Commission may modify this amended protective order upon receipt and approval of a written stipulation by the parties.

DISPOSAL OF CONFIDENTIAL INFORMATION

28. Except as provided in paragraphs 29 and 30 below, within ninety (90) days after the conclusion of this proceeding, persons in possession of confidential information shall, at the option of the party producing the confidential information, return or destroy all such materials and all copies, notes, tapes, papers, or other medium containing, summarizing, excerpting, or otherwise embodying any confidential information. If the party producing the confidential information requests destruction, the

person destroying the information shall certify its destruction to the producing party, indicating the name of the person destroying the documents, the method of destruction, and the identity of the specific documents destroyed.

29. Counsel and the representatives of record for a party shall be entitled to retain memoranda, pleadings, exhibits of record, written testimony, and transcripts embodying information derived from or incorporating confidential information to the extent reasonably necessary to preserve files on this proceeding. The files shall not be disclosed to any other person.

30. Confidential information produced in this proceeding shall remain in the possession of the Commission, the Consumer Advocate and counsel for the Consumer Advocate *for the duration required by applicable statutes, rules and administrative directives*, and may remain in the possession of any other parties (i.e., the County, SFW and MPL) and their counsel for the same period of time. Such parties shall preserve the confidentiality of this information in accordance with the terms of this amended protective order for as long as they retain the confidential information.

SANCTIONS

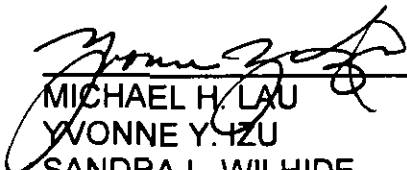
31. Any person violating this amended protective order shall be subject to sanctions imposed by the Commission.

COUNTERPARTS/SIGNATURE

32. This Stipulation for Amended Protective Order may be executed by the parties in counterparts, each of which shall be deemed an original, and all of which taken together shall constitute one and the same instrument. The parties may execute this Stipulation for Amended Protective Order by facsimile or electronic signature for

initial submission to the Commission, to be followed by the filing of originals of said facsimile or electronic signature pages.

DATED: Honolulu, Hawaii November 12, 2009.




MICHAEL H. LAU
YVONNE Y. IZU
SANDRA L. WILHIDE

Morihara Lau & Fong LLP
Attorneys for
WAI'OLA O MOLOKA'I, INC.



JON S. ITOMURA
LANE H. TSUCHIYAMA

Attorneys for the
DIVISION OF CONSUMER ADVOCACY
DEPARTMENT OF COMMERCE AND
CONSUMER AFFAIRS



MARGERY S. BRONSTER
JEANNETTE H. CASTAGNETTI
BRIAN T. MOTO
JANE E. LOVELL

Attorneys for the
COUNTY OF MAUI

TIMOTHY BRUNNERT

President, STAND FOR WATER



ANDREW V. BEAMAN

Chun Kerr Dodd Beaman & Wong, LLLP
Attorney for
MOLOKAI PROPERTIES LIMITED

APPROVED AND SO ORDERED THIS _____,
at Honolulu, Hawaii.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By _____
Carlito P. Caliboso, Chairman

By _____
John E. Cole, Commissioner

By _____
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:

Ji Sook Kim
Commission Counsel

EXHIBIT "A"

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

PROTECTIVE AGREEMENT

1. I, _____, have been presented with a copy of the Amended Protective Order filed by the Public Utilities Commission of the State of Hawaii in Docket No. 2009-0049 on the _____ day of _____, 2009 ("Amended Protective Order").

2. I am employed by, retained by or assisting _____ in Docket No. 2009-0049 and have requested review of the confidential information covered by the Amended Protective Order.

3. I understand the confidential information covered by the Amended Protective Order is to be used solely to assist _____ and that unless otherwise permitted by the Amended Protective Order, I am to make no other use of the confidential information, nor am I to disclose the confidential information to any other person.

4. I further understand that at the conclusion of my assistance to _____, I shall account for each copy, extract, note and summary of, or other document containing any part of such confidential information to the party claiming confidentiality and I shall abide by the provisions in paragraph 28 of the Amended Protective Order, unless otherwise permitted by paragraphs 29 and 30 of the Amended Protective Order.

5. I hereby certify that I have read the above-mentioned Amended Protective Order and agree to abide by its terms and conditions.

DATED at _____, _____, this _____ 20____.

Signature

Address

(____)_____
Telephone Number

CERTIFICATE OF SERVICE

The foregoing Amended Protective Order was served on the date of filing by
mail, postage prepaid and properly addressed to the following.

MS. CATHERINE P. AWAKUNI
Executive Director
Department of Commerce and Consumer Affairs
Division of Consumer Advocacy
335 Merchant Street, Suite 326
Honolulu, Hawaii 96813

MICHAEL H. LAU, ESQ.
YVONNE Y. IZU, ESQ.
SANDRA L. WILHIDE, ESQ.
Moriwara Lau & Fong LLP
841 Bishop Street
Suite 400
Honolulu, Hawaii 96813

Attorneys for WAI'OLA O MOLOKA'I, INC.

MARGERY S. BRONSTER, ESQ.
JEANNETTE H. CASTAGNETTI, ESQ.
Bronster Hoshibata
2300 Pauahi Tower
1003 Bishop Street
Honolulu, HI 96813

Attorneys for the COUNTY OF MAUI

TIMOTHY BRUNNERT
President
Stand for Water
P. O. Box 71
Maunaloa, HI 96770

ANDREW V. BEAMAN, ESQ.
Chun Kerr Dodd Beaman & Wong, LLLP
Topa Financial Center
Fort Street Tower
745 Fort Street, 9th Floor
Honolulu, HI 96813

Attorney for MOLOKAI PROPERTIES LIMITED

MORIHARA LAU & FONG LLP

A LIMITED LIABILITY LAW PARTNERSHIP

November 12, 2009

FILED
2009 NOV 12 P 3:32
PUBLIC UTILITIES
COMMISSION

The Honorable Chairman and Members of
the Hawaii Public Utilities Commission
465 South King Street
Kekuanaoa Building, Room 103
Honolulu, Hawaii 96813
Attention: Ji Sook Kim, Esq.

Re: Docket No. 2009-0049 – In the Matter of the Application of Wai'ola O
Moloka'i, Inc.: Proposed Stipulation for Amended Protective Order

Dear Commissioners and Commission Staff:

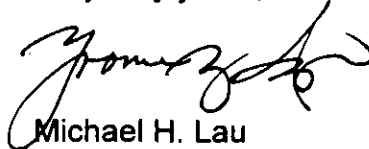
In accordance with the Order Approving Proposed Procedural Order, As Modified, issued by the Public Utilities Commission on November 6, 2009, enclosed for the Commission's review and approval is the proposed Amended Stipulation for Protective Order submitted jointly by Wai'ola O Moloka'i, Inc. ("WOM"), the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy ("Consumer Advocate"), the County of Maui ("County"), and Molokai Properties, Ltd. ("MPL") (together, "Parties")¹, which is attached hereto as Attachment 1. As part of this attachment, we have also provided a "black-lined" document that shows the changes we have made from the Stipulated Procedural Order approved by the Commission on April 6, 2009. In addition, consistent with the Commission's August 26, 2005 guidelines concerning protective orders and confidential information and the Commission Staff's directive to submit an explanation of modifications made, Attachment 2 hereto provides a chart describing in detail these changes, which changes have been agreed to by the Parties. Please note that many of the modifications agreed to by the Parties in this proceeding mirror those already included in the protective orders recently issued by the Commission in other prior proceedings.

¹ This morning WOM received an email communication from Tim Brunnert, representing Stand for Water ("SFW") indicating that SFW was withdrawing as an intervenor in this case. This stipulation, therefore, is being submitted without Mr. Brunnert's signature.

The Honorable Chairman and Members of
the Hawaii Public Utilities Commission
November 12, 2009
Page 2

If you should have any questions, please do not hesitate to contact the undersigned. Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael H. Lau", written over a horizontal line.

Michael H. Lau
Yvonne Y. Izu

Morihara Lau & Fong LLP
Attorneys for Wai'ola O Moloka'i, Inc

Attachments

c: Jon S. Itomura, Esq. (Consumer Advocate)
Jeannette Castagnetti, Esq. (County of Maui)
Andrew Beaman, Esq. (MPL)

ATTACHMENT 1

(Clean Version)

ATTACHMENT 1
(Black-lined Version)

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WHEREAS, Applicant maintains that the disclosure of certain confidential information could disadvantage and harm Applicant and/or its related entities in that disclosure of certain information may touch upon, among other things, Applicant's

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6. Confidential information provided to the Commission or a party, orally or in any other form, shall be protected as fully as confidential information provided in written form. A party shall notify the Commission and the parties when information provided orally or in other than written form includes confidential information. At the time of such notification, the party shall, in the manner provided in paragraph 5 above, specify the subject-matter of such confidential information, the basis for the claim of confidentiality, and the cognizable harm to the producing party from any misuse or unpermitted disclosure of the information.

FORMS OF CONFIDENTIAL INFORMATION

7. All information claimed to be confidential information shall be subject to the terms of this amended protective order, and shall be treated by all qualified persons (as defined by this amended protective order) as constituting confidential information.

Any notes, summaries, abstracts, or analyses that are prepared by counsel, experts, or other qualified persons, and reflect the underlying confidential information, shall also be subject to the terms of this amended protective order.

DESIGNATION

8. Any party claiming that information is confidential shall place upon the applicable material the following legend:

CONFIDENTIAL SUBJECT TO AMENDED PROTECTIVE ORDER

Whenever only a portion of a document, transcript, or other material is deemed to contain confidential information, the party shall, to the extent reasonably practicable, limit the claim of confidentiality to only such portion. However, if such limitation is not reasonably practicable, the entire document, transcript, or other material may be designated as confidential information.

9. With respect to any confidential information that is not under the control of the party claiming the information is confidential, other persons shall, to the extent requested by that party, cooperate to ensure that all copies of such confidential information bear the legend required in paragraph 8 above.

10. Any party may request the Commission to designate as confidential information any document or other information previously produced but not designated as confidential, provided that the party, in the manner provided in paragraph 5 above, specifies the subject-matter of such confidential information, the basis for the claim of confidentiality, and the cognizable harm to the producing party from any misuse or unpermitted disclosure of the information. In addition, the party claiming confidentiality

shall substitute the previously-produced but not designated as confidential material with the identical material under designation as required in Paragraph 8 above.

DISCLOSURE

11. Except as provided in paragraph 13, confidential information shall not be made available or disclosed to any person who is not a "qualified person" as defined in paragraph 12 below.

12. "Qualified person," as used in this amended protective order means any one of the following:

- a. The author(s), addressee(s), or originator(s) of the confidential information;
- b. The Commission, its staff, counsel (including employees directly employed by such counsel), and any consultants retained by the Commission in this proceeding;
- c. The Consumer Advocate, its staff, counsel, (including employees directly employed by such counsel), and any consultants retained by the Consumer Advocate in this proceeding;
- d. Subject to paragraph 4 above, Applicant and/or its related entities, their respective officers, employees, and counsel (including employees directly employed by such counsel) and any consultants retained by Applicant and/or its related entities;
- e. Subject to paragraph 4 above and to the extent allowed by the Commission, counsel of record for any other party or participant to this proceeding, and counsel's staff, ~~its counsel (including~~

~~employees directly employed by such counsel), and any consultants retained by it for this proceeding who are not engaged in developing, planning, marketing, or selling the party's or participant's products or services, or determining the costs of the party's or participant's products or services or designing prices of the party's or participant's products or services to be charged to customers;~~

- f. Any other person approved by the party asserting the claim of confidentiality; and
- g. Any other person designated as a qualified person by order of the Commission.

13. When a qualified person wishes to disclose confidential information to a non-qualified person, the qualified person must request permission from the party claiming confidentiality. The request shall identify the non-qualified person to whom disclosure is desired; disclose any past, present, or anticipated affiliation between the qualified person and the non-qualified person; specify the exact information to be disclosed; and state the reasons for disclosure. If permission is granted by the party claiming confidentiality, disclosure of the confidential information shall be made to such non-qualified person in the same manner as provided for qualified persons in paragraph 14 below.

PROCEDURE FOR OBTAINING ACCESS

14. Prior to disclosing confidential information to a qualified person other than the Commission and its staff and counsel, and the Consumer Advocate and its staff and

counsel, the qualified person shall read a copy of this amended protective order, complete a copy of the agreement attached as Exhibit A to this amended protective order, and sign the completed copy of the agreement. A copy of the executed agreement shall be delivered to the party claiming confidentiality and the Commission.

USE OF CONFIDENTIAL INFORMATION

15. Any confidential information obtained under this amended protective order shall be used solely in connection with this proceeding and any related administrative and judicial proceedings (at which time the information will continue to be treated as confidential), and shall not be used for any other purpose, including business, governmental or commercial purposes, or in any other administrative or judicial proceeding, except as provided in paragraphs 16 and 17, and except as may be directed by (a) an order of court, (b) an order of the Commission, and (c) the UIPA, including any ruling of the Office of Information Practices.

16. Any confidential information obtained under this amended protective order may be used by the Commission and its staff and counsel in any proceeding pending before the Commission involving the producing party, or where the intended use of such confidential information is for the purpose of assisting the Commission in fulfilling its statutory duties and responsibilities. The confidential information shall continue to be treated as confidential until the protection conferred by this amended protective order (or any other applicable protective order) is terminated by the producing party, or until further order of the Commission.

17. Any confidential information obtained under this amended protective order may be used by a party, ~~the Consumer Advocate~~, its staff, its consultant and its counsel

in any proceeding pending before the Commission involving the producing party, or where the intended use of such confidential information is for the purpose of assisting the party ~~Consumer Advocate~~ in fulfilling its statutory duties and responsibilities, as applicable. The confidential information shall continue to be treated as confidential until the protection conferred by this amended protective order (or any other applicable protective order) is terminated by the producing party, or until further order of the Commission.

18. Unless otherwise ordered by the Commission, if a party desires to file written testimony, exhibits or pleadings which contain or reflect the confidential information, only that part of the page(s) containing or reflecting such information shall be treated as confidential, and that part of a hearing, if any, at which such information is discussed shall be held in camera, or under other conditions imposed by the Commission to prevent unnecessary public disclosure of such information. A copy of any confidential page, with any such information deleted, shall be filed to be included in the public record, and each such page shall contain the following designation in the upper left-hand corner:

**Confidential Information
Deleted Pursuant To Amended
Protective Order Filed on**

RETENTION OF CONFIDENTIAL INFORMATION

19. Confidential information shall be retained in a locked cabinet dedicated to the storage of confidential information, or otherwise secured to ensure that access to and disclosure of the confidential information is limited to a qualified person.

20. Confidential information that is given to or filed with the Commission or its staff and counsel shall be separately bound and placed in a sealed envelope or other appropriate sealed container on which shall appear the following legend:

**THIS ENVELOPE IS SEALED PURSUANT TO AMENDED
PROTECTIVE ORDER, FILED ON _____,
AND CONTAINS DOCUMENTS WITH CONFIDENTIAL
INFORMATION. IT IS NOT TO BE OPENED OR THE
CONTENTS OF THIS ENVELOPE DISPLAYED OR
REVEALED EXCEPT TO QUALIFIED PERSONS
AUTHORIZED TO INSPECT THE ENCLOSED
DOCUMENTS.**

21. Confidential information shall not be reproduced or duplicated, except to make working copies and copies to be filed with the Commission under seal. If a document contains information so sensitive that it should not be copied by anyone, it shall bear the following legend: "Copying Prohibited."

22. If a court or other administrative agency requests, subpoenas, or orders production of confidential information that a party or person has obtained under this amended protective order, that party or person, prior to disclosure, shall promptly notify the party claiming confidentiality of the request, subpoena, or order.

DURATION OF CONFIDENTIALITY

23. The confidentiality of the information produced pursuant to this amended protective order shall be preserved until all interested parties, by written stipulation, terminate the protection conferred by this amended protective order, or until further order of the Commission.

APPEAL TO THE COMMISSION

24. If any interested person disagrees with the designation of information as confidential or withholding information from another party, the party claiming confidentiality and/or withholding information, and the person so disagreeing, shall first make a good faith attempt to resolve the dispute on an informal basis. If the dispute cannot be resolved, the person contesting the confidentiality of the information and/or withholding of information shall file a motion to compel disclosure or any other appropriate motion with the Commission. The party claiming confidentiality and/or withholding the information shall bear the burden of proof in supporting its claim, and the Commission will determine whether the information shall continue to be designated as confidential and/or properly withheld from another party under this amended protective order. Pending a disposition of the motion, the information in question shall be treated as confidential information and shall not be disclosed except as permitted in this amended protective order.

NON-WAIVER OF OBJECTIONS AND RIGHTS

25. The parties retain the right to contest any assertion or finding of confidentiality or of non-confidentiality or of withholding information from other parties. Nothing in this amended protective order shall prevent any party from objecting to requests for production of information or other discovery requests.

26. The parties retain the right to question, challenge, and object to the admissibility of confidential information on the grounds of relevancy or materiality.

MODIFICATION OF THE PROTECTIVE ORDER

27. The Commission may modify this amended protective order on the motion of any party, which may be a non-hearing motion, or on its own motion, upon reasonable notice to the parties, ~~and an opportunity for hearing~~, or the Commission may modify this amended protective order upon receipt and approval of a written stipulation by the parties.

DISPOSAL OF CONFIDENTIAL INFORMATION

28. Except as provided in paragraphs 29 and 30 below, within ninety (90) days after the conclusion of this proceeding, persons in possession of confidential information shall, at the option of the party producing the confidential information, return or destroy all such materials and all copies, notes, tapes, papers, or other medium containing, summarizing, excerpting, or otherwise embodying any confidential information. If the party producing the confidential information requests destruction, the person destroying the information shall certify its destruction to the producing party, indicating the name of the person destroying the documents, the method of destruction, and the identity of the specific documents destroyed.

29. Counsel and the representatives of record for a party shall be entitled to retain memoranda, pleadings, exhibits of record, written testimony, and transcripts embodying information derived from or incorporating confidential information to the extent reasonably necessary to preserve files on this proceeding. The files shall not be disclosed to any other person.

30. Confidential information produced in this proceeding shall remain in the possession of the Commission, the Consumer Advocate and counsel for the Consumer

Advocate for the duration required by applicable statutes, rules and administrative directives, and may remain in the possession of any other parties (i.e., the County, SFW and MPL) and their counsel for the same period of time. Such parties shall preserve the confidentiality of this information in accordance with the terms of this amended protective order for as long as they retain the confidential information.

SANCTIONS

31. Any person violating this amended protective order shall be subject to sanctions imposed by the Commission.

COUNTERPARTS/SIGNATURE

32. This Stipulation for Amended Protective Order may be executed by the parties in counterparts, each of which shall be deemed an original, and all of which taken together shall constitute one and the same instrument. The parties may execute this Stipulation for Amended Protective Order by facsimile or electronic signature for initial submission to the Commission, to be followed by the filing of originals of said facsimile or electronic signature pages.

DATED: Honolulu, Hawaii _____.

MICHAEL H. LAU
YVONNE Y. IZU
SANDRA L. WILHIDE

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COUNTY OF MAUI

TIMOTHY BRUNNERT

President, STAND FOR WATER

ANDREW V. BEAMAN

Chun Kerr Dodd Beaman & Wong, LLLP
Attorney for
MOLOKAI PROPERTIES LIMITED

APPROVED AND SO ORDERED THIS _____,
at Honolulu, Hawaii.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By _____
Carlito P. Caliboso, Chairman

By _____
John E. Cole, Commissioner

By _____
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:

Ji Sook Kim
Commission Counsel

EXHIBIT "A"

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

PROTECTIVE AGREEMENT

1. I, _____, have been presented with a copy of the Amended Protective Order filed by the Public Utilities Commission of the State of Hawaii in Docket No. 2009-0049 on the _____ day of _____, 2009 ("Amended Protective Order").

2. I am employed by, retained by or assisting _____ in Docket No. 2009-0049 and have requested review of the confidential information covered by the Amended Protective Order.

3. I understand the confidential information covered by the Amended Protective Order is to be used solely to assist _____ and that unless otherwise permitted by the Amended Protective Order, I am to make no other use of the confidential information, nor am I to disclose the confidential information to any other person.

4. I further understand that at the conclusion of my assistance to _____, I shall account for each copy, extract, note and summary of, or other document containing any part of such confidential information to the party claiming confidentiality and I shall abide by the provisions in paragraph 28 of the Amended Protective Order, unless otherwise permitted by paragraphs 29 and 30 of the Amended Protective Order.

5. I hereby certify that I have read the above-mentioned Amended Protective Order and agree to abide by its terms and conditions.

DATED at _____, _____, this _____ 20_____.

Signature

Address

(_____) _____
Telephone Number

CERTIFICATE OF SERVICE

The foregoing Amended Protective Order was served on the date of filing by mail, postage prepaid and properly addressed to the following.

MS. CATHERINE P. AWAKUNI
Executive Director
Department of Commerce and Consumer Affairs
Division of Consumer Advocacy
335 Merchant Street, Suite 326
Honolulu, Hawaii 96813

~~MR. PETER A. NICHOLAS~~
~~Wai'ola O Moloka'i, Inc.~~
~~c/o Molokai Properties Limited~~
~~745 Fort Street Mall, Suite 600~~
~~Honolulu, Hawaii 96813~~

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Attorney for MOLOKAI PROPERTIES LIMITED

ATTACHMENT 2

**DOCKET NO. 2009-0049
WAI'OLA O MOLOKA'I, INC.**

**DIFFERENCES BETWEEN PROPOSED STIPULATION FOR AMENDED PROTECTIVE
ORDER AND COMMISSION'S APRIL 7, 2009 PROTECTIVE ORDER
(See Attachment 1 "Black-lined Version")**

Page	Difference
Cover Page, Pages 1 to 7, and 9 to 14, Exhibit "A", and Certificate of Service	<ul style="list-style-type: none">• Inserted the word "Amended" before "Protective Order" or "amended" before "protective order" or "AMENDED" before "ORDER." <p><u>Purpose:</u> Language was added to distinguish between the original Protective Order issued on April 7, 2009 and the amended Protective Order reflecting the additional modifications agreed to by the Parties.</p>
Page 1	<ul style="list-style-type: none">• The first "WHEREAS" clause has been revised to read as follows: WHEREAS, WAI'OLA O MOLOKA'I, INC., a Hawaii corporation ("Applicant"), by and through its attorneys, Morihara Lau & Fong LLP, filed an Amended Application on June 29, 2009, in the above-referenced matter, requesting various approvals from the Hawaii Public Utilities Commission ("Commission") in connection with the proposed increase in Applicant's rates and charges, pursuant to Hawaii Revised Statutes ("HRS") § 269-16 ("Amended Application")¹;• Added footnote 1 to read as follows: On July 31, 2009, the Commission issued and filed its Order Regarding Completed Amended Application and Other Initial Matters, finding, among other things, that June 29, 2009 is the filing date of the Amended Application by WOM. <p><u>Purpose:</u> Language was inserted to reflect further updates to the record since the April 7, 2009 Protective Order (e.g., the filing of the Amended Application on June 29, 2009, and also filing of the Order Regarding Completed Amended Application and Other Initial Matters on July 31, 2009).</p>

Page	Difference
Page 2	<ul style="list-style-type: none"> The fourth "WHEREAS" clause has been revised to read as follows: WHEREAS, Applicant, the Division of Consumer Advocacy ("Consumer Advocate"), the County of Maui ("County"), Stand for Water ("SFW"), and Molokai Properties Limited ("MPL") are parties in this proceeding.² Added footnote 2 to read as follows: The Consumer Advocate is an <u>ex officio</u> party to this proceeding, pursuant to HRS § 269-51 and HAR § 6-61-62(a). <u>See</u> Order Granting Intervention to the County and SFW, in which the Commission, on its own motion, named MPL as a party, filed on October 16, 2009. <p><u>Purpose:</u> Language was inserted to clarify that the Consumer Advocate is an "<u>ex officio</u>" party to this proceeding, and to reflect certain updates to the record including, without limitation, the insertion of the County, SFW, and MPL as additional parties or interveners in this proceeding.</p>
Page 3	<ul style="list-style-type: none"> Added footnote 3 to read as follows: As noted in the letter submitting this amended protective order and pursuant to paragraph 27 of the Protective Order issued by the Commission on April 7, 2009 ("April 7, 2009 Protective Order"), the parties are requesting Commission approval to modify the April 7, 2009 Protective Order to primarily address revisions requested by WOM following the granting of intervention after the April 7, 2009 Protective Order (i.e., the County, SFW and MPL). As such, to the extent there are any conflicts between the two protective orders, this Amended Protective Order shall control and supersedes the April 7, 2009 Protective Order. <p><u>Purpose:</u> Language was inserted to reflect the primary purpose for requesting Commission approval to modify the April 7, 2009 Protective Order and to clarify that, if approved, the Amended Protective Order shall control if there are any conflicts between the two protective orders issued in this proceeding.</p>

Page	Difference
Page 4	<ul style="list-style-type: none"> Inserted new language at the end of Paragraph 4, as follows:: <p>In addition, a party may designate certain information as being confidential and not to be distributed to another party (not including the Consumer Advocate) by notifying the Commission and the parties in writing setting forth in particularity the information to be kept as confidential and not available to the other party. A party withholding information from another party will describe with particularity the nature of the information withheld, and the basis for withholding the information from the other party. With respect to such confidential information, the party to whom such information is being withheld shall be treated as a non-qualified person from whom such information shall be protected against disclosure in accordance with the terms of this amended protective order.</p> <p><u>Purpose:</u> To allow a process by which a party would be allowed to withhold certain confidential information from another party, subject to (a) such party describing with particularity the nature of the information being withheld and (b) the right of the party not receiving the information to object to this, at which time the withholding party would have the burden to demonstrate that the information should be withheld from the other party. Without this language, a party such as WOM would have no process or procedure in place to withhold information that, with its disclosure, could cause harm or liability to the provider or a third party or violate privacy issues and even specific contractual restrictions. The only recourse would be for the provider of the information to withhold that information in its entirety to everyone, or at least not provide the level of detail that it could have otherwise provided.</p>
Page 4	<ul style="list-style-type: none"> Deleted the words "Consumer Advocate" and replaced them with the word "parties" in the first sentence of Paragraph 5. <p><u>Purpose:</u> Plural language for the word "party" was inserted in paragraph 5 to reflect the applicability of this paragraph to the four additional parties (i.e., the County, SFW, and MPL) that were allowed to intervene or named as a party by the Commission subsequent to the April 7, 2009 Protective Order.</p>

Page	Difference
Page 5	<ul style="list-style-type: none"> Added the phrase "and/or challenges a party withholding information from another party" to the middle of the second sentence of Paragraph 5. <p><u>Purpose:</u> Consistent with the addition of the process to allow a party to withhold the disclosure of certain confidential information from a party, the added phrase enables challenges of a party withholding such information from another party.</p> <ul style="list-style-type: none"> Added the phrase "and/or to which parties, as applicable" at the end of the third sentence of Paragraph 5. <p><u>Purpose:</u> Plural language for the word "party" was inserted to reflect the applicability of this paragraph to the three additional parties (i.e., the County, SFW, and MPL) that were allowed to intervene or named as a party by the Commission subsequent to the April 7, 2009 Protective Order. In addition, the phrase "and/or to which parties, as applicable" assumes the Commission approves the two layers of confidentiality as discussed immediately above applicable to Paragraph 4.</p> <ul style="list-style-type: none"> Added the phrase "and/or any challenge to withholding of confidential information from any party" to the middle of the last sentence of Paragraph 5. <p><u>Purpose:</u> Consistent with the addition of the process to allow a party to withhold the disclosure of certain confidential information from a party, the added phrase enables challenges of a party withholding such information from another party.</p>

Page	Difference
Pages 7 and 8	<ul style="list-style-type: none"> Revised Paragraph 12.e. as follows: <p>Subject to paragraph 4 above and to the extent allowed by the Commission, counsel of record for any other party or participant to this proceeding, and counsel's staff;</p> <p><u>Purpose:</u> There is significant confidential information which may be requested during this proceeding which, if inappropriately disclosed by a party, can have serious consequences due to the nature of such information. In this proceeding, the parties are comprised of different levels of individuals who may have differing interests. Thus, WOM seeks to limit the definition of "qualified person" to the counsel of record for any party and the counsel's staff. Pursuant to Paragraph 12.f, a party can seek to have any other person associated with that party approved by the party asserting the claim of confidentiality.</p> The following was deleted from Paragraph 12.e: <p>"....its counsel (including employees directly employed by such counsel), and any consultants retained by it for this proceeding who are not engaged in developing, planning, marketing, or selling the party's or participant's products or services, or determining the costs of the party's or participant's products or services or designing prices of the party's or participant's products or services to be charged to customers;"</p> <p><u>Purpose:</u> The text that was deleted was intended to impose limitations or other restrictions on the consultants utilized by a party. However, due to its inapplicability to this proceeding, such limitations are being deleted.</p>

Page	Difference
Pages 9 and 10	<ul style="list-style-type: none"> Revised Paragraph 17 as follows: Any confidential information obtained under this amended protective order may be used by a party, its staff, its consultant and its counsel in any proceeding pending before the Commission involving the producing party, or where the intended use of such confidential information is for the purpose of assisting the party in fulfilling its statutory duties and responsibilities, as applicable. The confidential information shall continue to be treated as confidential until the protection conferred by this amended protective order (or any other applicable protective order) is terminated by the producing party, or until further order of the Commission. <p><u>Purpose:</u> The above language is similar to language that has already been approved by the Commission in paragraph 17 of other protective orders in rate case proceedings (e.g., Protective Order, issued on November 21, 2008, in Docket No. 2008-0083).</p>

Page	Difference
Page 12	<ul style="list-style-type: none"> Revised the first sentence of Paragraph 24 as follows: <p>If any interested person disagrees with the designation of information as confidential or withholding information from another party, the party claiming confidentiality and/or withholding information, and the person so disagreeing, shall first make a good faith attempt to resolve the dispute on an informal basis.</p> <p><u>Purpose:</u> Consistent with the addition of the process to allow a party to withhold the disclosure of certain confidential information from a party as described in Paragraph 4 above, the added phrases incorporate the situation where information is withheld.</p> <ul style="list-style-type: none"> Added the phrases "and/or withholding of information" to the middle of the second and third sentences of Paragraph 24. <p><u>Purpose:</u> Consistent with the addition of the process to allow a party to withhold the disclosure of certain confidential information from a party as described in Paragraph 4 above, the first added phrase clarifies that the person contesting the withholding of information shall file a motion to compel disclosure. The second added phrase then provides that the party withholding the information bears the burden of proof to support its claim.</p> <ul style="list-style-type: none"> Added the phrase "and/or properly withheld from another party" towards the end of the third sentence of Paragraph 24. <p><u>Purpose:</u> Consistent with the addition of the process to allow a party to withhold the disclosure of certain confidential information from a party as described in Paragraph 4 above, the added phrase clarifies that, in ruling on a motion to compel, the Commission will determine whether the withheld information should continue to be withheld from another party.</p>
Page 12	<ul style="list-style-type: none"> Added the phrase "or of withholding information from other parties" to the end of the first sentence of Paragraph 25. <p><u>Purpose:</u> Consistent with the addition of the process to allow a party to withhold the disclosure of certain confidential information from a party as described in Paragraph 4 above, the added phrase clarifies that the parties retain the right to contest any assertion or finding relating to the withholding of information from other parties.</p>

Page	Difference
Page 13	<ul style="list-style-type: none"> Added the words "which may be a non-hearing motion" and deleted the words "and an opportunity for hearing" in Paragraph 27, which now reads as follows: <p>The Commission may modify this amended protective order on the motion of any party, which may be a non-hearing motion, or on its own motion, upon reasonable notice to the parties, or the Commission may modify this amended protective order upon receipt and approval of a written stipulation by the parties.</p> <p><u>Purpose:</u> Because this is a procedural matter, and given the State's recently-adopted furlough policy and budget constraints, we believe that a hearing should not automatically be required to amend the protective order since it would not be a judicious use of the Commission's limited resources. The proposed language allows the Commission to decide whether a hearing on the motion to amend the protective order is required.</p>
Pages 13 and 14	<ul style="list-style-type: none"> Inserted new language in Paragraph 30, which now reads as follows: <p>Confidential information produced in this proceeding shall remain in the possession of the Commission, the Consumer Advocate and counsel for the Consumer Advocate for the duration required by applicable statutes, rules and administrative directives, and may remain in the possession of any other parties (i.e., the County, SFW and MPL) and their counsel for the same period of time. Such parties shall preserve the confidentiality of this information in accordance with the terms of this amended protective order for as long as they retain the confidential information.</p> <p><u>Purpose:</u> The above language is similar language that has already been approved by the Commission in paragraph 30 of other protective orders in rate case proceedings (e.g., Protective Order, issued on November 21, 2008, in Docket No. 2008-0083).</p>

Page	Difference
Pages 14	<ul style="list-style-type: none"> Added a new Paragraph 32 as follows: <p style="text-align: center;"><u>COUNTERPARTS/SIGNATURE</u></p> <p>32. This Stipulation for Amended Protective Order may be executed by the parties in counterparts, each of which shall be deemed an original, and all of which taken together shall constitute one and the same instrument. The parties may execute this Stipulation for Amended Protective Order by facsimile or electronic signature for initial submission to the Commission, to be followed by the filing of originals of said facsimile or electronic signature pages.</p> <p><u>Purpose:</u> In the interest of time and for purposes of administrative efficiency, language was inserted to allow this Stipulation for Amended Protective Order to be initially executed by the parties in counterparts and by facsimile or electronic signature, if necessary, on the condition that the filing of originals of said facsimile or electronic signature pages, if any, be submitted subsequent to the initial submission.</p>
Pages 14 and 15	<ul style="list-style-type: none"> Revised the signature blocks to reflect the names of the attorneys representing the new parties (i.e., the County, SFW, and MPL) and to add the firm name of the attorneys representing WOM. <p><u>Purpose:</u> Language was revised to reflect the names of the attorneys representing the new parties (i.e., the County, SFW, and MPL) and to add the firm name of the attorneys representing WOM.</p>
Page 16	<ul style="list-style-type: none"> Revised the signature block to reflect the name of the Commission Counsel (i.e., Ji Sook Kim). <p><u>Purpose:</u> The signature block was revised to reflect the name of the Commission Counsel (i.e., Ji Sook Kim).</p>
Certificate of Service	<ul style="list-style-type: none"> Revised the contacts section to reflect the new parties' (i.e., the County, SFW, and MPL) respective designees and addresses in this proceeding. <p><u>Purpose:</u> Language was added and/or deleted to be consistent with the Commission's October 1, 2009 directive to have solely one designee per party for the service of Commission-issued documents and to update the names of the parties in this proceeding (i.e., the County, SFW, and MPL).</p>